

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILFREDO TORRES,

Plaintiff,

-against-

BELLEVUE SOUTH ASSOCIATES LLP, CITY  
OF NEW YORK, OFFICER COLBY WRIGHT,  
KEVIN WAHLIGH, OFFICER NICHOLAS  
MACHIO, OFFICER MICHAEL TRAVERSO,  
OFFICER KRZYSZTOF FRYC,  
DENNIS MCGOWAN, LIEUTENANT SCOTTISH  
JOHN DOE FIREFIGHTERS #1-3, NYU  
HOSPITALS CENTER, the NYC HOSPITAL  
FOR JOINT DISEASES, DOCTOR AARON  
BUCKLAND OF NYU HOSPITALS CENTER,  
BELLVUE HOSPITAL,

Defendants.

-----X  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

Defendants City of New York, Sergeant Colby Wright, Sergeant Nicholas Macchio, Officer Michael Traverzo and Officer Krzysztof Frye (“City Defendants”) made a motion for summary judgment, Docket Entry No. 204. In support of the motion, the City defendants submitted the declaration of Colin McCann Ceriello (“Ceriello”) with exhibits, Docket Entry No. 207. The City defendants contend that Exhibit D to Ceriello’s declaration, Docket Entry No. 207-4, contains “relevant portions of the deposition of plaintiff Wilfredo Torres, dated November 8, 2017.” The City Defendants make citation to various deposition transcript pages in their Local Civil Rule 56.1 Statement of Undisputed Facts, which pages the Court does not find in Docket Entry No. 207-4, Exhibit D to Ceriello’s declaration.

Therefore, the City Defendants shall, on or before January 29 2020, file a copy of the following pages from the plaintiff’s November 8, 2017 deposition transcript: 68, 69, 70, 71, 73,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>1/27/20</u>
DATE FILED: <u>1/27/20</u>

**ORDER**

16-CV-2362 (RA)(KNF)

74, 75, 76, 77 and 106. A courtesy copy of these transcript pages shall be submitted to the Court's chambers on or before January 29, 2020. The City Defendants also assert that "an audio recording of the 911 call placed on April 28, 2016 after plaintiff left NYU Hospital is attached [to the Ceriello declaration] as Exhibit 'E"'; it is not. Therefore, on or before January 28, 2020, the City defendants shall file that audio recording and submit a courtesy copy of it to the Court's chambers.

Dated: New York, New York  
January 27, 2020

Copy mailed to:  
Wilfredo Torres

SO ORDERED:

Kevin Nathaniel Fox  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE